

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 KIMBERLY M. WARTH,

Case No. 2:25-cv-00831-GMN-NJK

4 Petitioner,

DISMISSAL ORDER

5 v.

6 NDOC WARDEN W. REUBART, et al.,

7 Respondents.

8 Petitioner Kimberly M. Warth commenced this federal habeas action by filing a Petition
9 for Writ of Habeas Corpus and moving for the appointment of counsel. (ECF Nos. 5 (“Petition”),
10 6 (“Motion”).) On May 27, 2025, this Court conducted an initial review of the Petition and directed
11 Warth to show cause on or before June 23, 2025, why the Petition should not be dismissed without
12 prejudice as wholly unexhausted. (ECF No. 7.) Warth was warned that if she did “not timely
13 respond to [the Order to Show Cause] or request an extension of time to do so, the Petition [would]
14 be dismissed without further advance notice.” (*Id.* at 4.) To date, Warth has not filed a response
15 to the Order to Show Cause, requested an extension of time to do so, or taken any other action to
16 prosecute this case.

17 It is therefore Ordered that this action is dismissed without prejudice based on Warth’s
18 failure to comply with the Court’s Order (ECF No. 7). A Certificate of Appealability is denied, as
19 jurists of reason would not find dismissal of this action to be debatable or wrong.

20 It is further Ordered that the Motion for Appointment of Counsel (ECF No. 6) is denied as
21 moot.

1 It is further kindly Ordered that the Clerk of Court (1) add Nevada Attorney General Aaron
2 D. Ford as counsel for Respondents,¹ (2) informally serve the Nevada Attorney General with the
3 Petition (ECF No. 5), this Order, and all other filings in this matter by sending notices of electronic
4 filing to the Nevada Attorney General's office, (3) enter final judgment accordingly, dismissing
5 this action without prejudice, and (4) close this case.

6 Dated: July 2, 2025



Gloria M. Navarro, Judge
United States District Court

23 ¹ No response is required from Respondents other than to respond to any orders of a reviewing court.